



EXPRESS MAIL NO. ET997005935US

Practitioner's Docket No. 106102-00-01

PATENT



Preliminary Classification:

Proposed Class: 702

Subclass: 5

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.' " M.P.E.P. § 601, 7th ed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): MINTON, Jr., Joseph Grayson

For (title): **METHOD FOR FLOW ANALYSIS UTILIZING CELL ELEVATION
TOPOLOGY**

1. Type of Application

This new application is for a(n)

(check one applicable item below)

XX Original (nonprovisional)

☐ Design

☐ Plant

☐ Divisional.

☐ Continuation.

☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

☐ The new application being transmitted claims the benefit of prior U.S. application(s). ☐ Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application
- 30 Pages of specification
 - 13 Pages of claims
 - 19 Sheet(s) of drawings

(complete the following, if applicable)

☐ The enclosed drawing(s) are photograph(s). Three (3) sets of photographs and a "PETITION TO ACCEPT PHOTOGRAPHS AS DRAWING(S)" are attached. 37 C.F.R. § 1.84(b).

☐ The enclosed drawing(s) are in color. Three (3) sets of color drawings and a "PETITION TO ACCEPT COLOR DRAWING(S)" are attached. 37 C.F.R. §§ 1.84(a)(2) and 1.84(b).

☒ formal
☐ informal

B. Other Papers Enclosed

- 6 Pages of declaration and power of attorney
- 1 Page of abstract
- 3 Pages - Assignment of rights to invention
- 1 Page - Assignment Recordal cover sheet

4. Additional papers enclosed

☐ Amendment to claims

☐ Cancel in this applications claims ☐ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. § 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other – 2 diskettes containing a computer program listing appendix and transmittal letter

5. Declaration or oath (including power of attorney)

☒ Enclosed

Executed by:

(check all applicable boxes)

☒ all inventor(s).

☐ legal representative of inventor(s).

37 C.F.R. §§ 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C. F. R. § 1.16(e) can be filed subsequently).

☐ Showing that the filing is authorized.(not required unless called into question. 37 C.F.R. § 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made, ☐ is submitted. ☐ will be submitted.

7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. Assignment

☒ An assignment of the invention to

☒ is attached. A separate ☒ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☐ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

☐ This is a ☐ continuation ☐ divisional application and the assignment document for the parent application 10/061,797 was filed on _____

Reel:

Frame:

9. Certified Copy

Certified copy(ies) of application(s)

Country

Appln. No.

Filed

Country

Appln. No.

Filed

Country

Appln. No.

Filed

from which priority is claimed

☐ is (are) attached.

☐ will follow.

10. **Fee Calculation** (37 C.F.R. § 1.16)

A. **XX** Regular application

CLAIMS AS FILED

Number filed	Number Extra		Rate	Basic Fee	
				37 C. F. R. § 1.16(a) \$750.00	
Total					
Claims (37 C.F.R. § 1.16(c))	19 - 20 =	0	x	\$ 18.00	0.00
Independent					
Claims (37 C.F.R. § 1.16(b))	3 - 3 =	0	x	\$ 84.00	0.00
Multiple dependent claim(s),					
if any (37 C.F.R. § 1.16(d))					
		0	+	\$280.00	0.00

- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing Fee Calculation \$ 750.00

B. ☐ Design application
(\$310.00-37 C.F.R. § 1.16(f))

Filing Fee Calculation \$

C. ☐ Plant application
(\$480.00-37 C.F.R. § 1.16(g))

Filing fee calculation \$

11. Small Entity Statement(s)

XX Applicant(s) and assignee, if any, are entitled to assert small entity status and hereby assert such small entity status.

(complete the following, *if* applicable)

— Status as a small entity was claimed in prior application_____, filed on _____ from which benefit is being claimed for this application under:

35 U.S.C. § — 119(e),
 — 120
 — 121
 — 365(c)

and which status as a small entity is still proper and desired.

A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 375.00

NOTE: Any excess of the full fee paid will be refunded if small entity status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, *if applicable*)

— Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

Not Enclosed

____ No filing fee is to be paid at this time.
(This *and the* surcharge required by 37 C. F. R. § 1.16(e) *can be paid subsequently.*)

XX Enclosed

XX Filing fee	\$	375.00
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XX Recording assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$ 40.00
___ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))	\$
___ For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))	\$
___ Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(1))	\$
___ Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$
Total fees enclosed	\$ <u>415.00</u>

14. Method of Payment of Fees

XX Attached is a **XX** check ___ money order in the amount of **\$ 415.00**

___ Authorization is hereby made to charge the amount of _____

___ to Deposit Account No.

___ to Credit card as shown on the attached credit card information
authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

___ Charge any additional fees required by this paper or credit any overpayment

in the manner authorized above. A duplicate of this paper is attached.

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☐ The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

- ☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
- ☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).
- ☐ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. Constructive Petition for Extension of Time

XX Pursuant to 37 C.F.R. § 1.136(a)(3), applicant hereby authorizes the treatment of any future reply requiring a petition for an extension of time under § 1.136 for its timely submission, as incorporating a petition for such extension of time for the appropriate length of time.

17. Instructions as to Overpayment

☐ **Credit Account No.**
XX Refund

Reg. No. 32,532

Tel. No. (434) 971-3662

Customer No. 20828

SIGNATURE OF PRACTITIONER



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☐ **Incorporation by reference of added pages**

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added

☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added: 1

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

XX This transmittal ends with this page.

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Practitioner's Docket No. 106102-00-01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re nonprovisional patent application of: MINTON, J.G., Jr..
For: METHOD FOR FLOW ANALYSIS UTILIZING CELL ELEVATION
TOPOLOGY
Filed: August 27, 2003

COMPACT DISC TRANSMITTAL LETTER
(37 C.F.R. § 1.52(e)(3)(ii))

This document constitutes the transmittal letter required by 37 C.F.R. § 1.52(e)(3)(ii) to accompany a computer program listing appendix accompanying a patent application. A single compact disc marked copy #1 and a backup compact disc marked copy #2 which are identical accompany the above-identified patent application. The machine format of the material on each compact disc is IBM-PC and the operating system compatibility is MS-Windows. The disc contains the following file(s):

Name	Length	File Type	Date Created
Frm9FlowVec.frm	282KB	Visual Basic Form File	06/18/2003 3:40 PM

Date: August 27, 2003


Signature of practitioner

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